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COMMITTEE ON THE RIGHTS OF THE CHILD

Eleventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Yemen

1. The Committee considered the initial report of the Yemen (CRC/C/8/Add.20) at its 261st, 262nd and 263rd meetings (CRC/C/SR.261-263), held on 9 and 10 January 1996 and adopted* the following concluding observations:

A. Introduction

2. The Committee notes with appreciation the submission of the initial report of Yemen and its self-critical approach in identifying a number of areas of concern. It regrets, however, that the report has not followed the guidelines for the preparation of States parties' initial reports and that some areas covered by the Convention have not been addressed therein.

B. Positive aspects

3. The Committee welcomes the comments made by the State party's delegation on the importance it attaches to the guidance offered by the Committee as to steps to be taken to implement the Convention effectively, including with a view to bringing domestic law into line with the Convention.

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* At its 287th meeting, held on 26 January 1996.

C. Factors and difficulties impeding the implementation of the Convention

4. The Committee takes note that Yemen has had to face, during the last few years, serious political, economic and social challenges, including those arising from the unification process, the return of a large number of Yemeni expatriates after the Gulf war, the war of 1994 and the substantial influx of refugees from the Horn of Africa. Those factors have adversely affected the situation of children.

5. The Committee also notes the persistence of certain traditions and customs which are contrary to the principles and provisions of the Convention.

D. Principal subjects of concern

6. The Committee is concerned about the unclear status of the Convention in the domestic legal framework and about the insufficient steps taken to bring existing legislation into full conformity with the Convention, including in the light of the general principles of the Convention, in particular the principles of non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12).

7. The Committee is also concerned at the lack of conformity of legislative provisions with respect to the legal definition of the child, as is the case of the minimum age for marriage and the age of criminal responsibility, which is set at too low an age level.

8. The Committee expresses its deep concern at the persistence of discriminatory attitudes towards girls, hampering the enjoyment of their basic rights including in situations of early marriage. The lower marriageable age for girls than for boys raises serious questions as to its compatibility with the Convention, in particular article 2.

9. The Committee is also concerned at the insufficient measures and programmes for the protection of the rights of the most vulnerable children, in particular girls, children living in rural areas, children victims of abuse, children affected by armed conflicts, disabled children, "akhdam" children and children who are forced to live and/or work in the streets, including child beggars.

10. The Committee expresses its deep concern about the insufficient measures taken to ensure the full implementation of the provisions and principles of the Convention in the area of the administration of juvenile justice including articles 37, 39 and 40.

11. The Committee regrets the insufficient steps taken to create awareness of the Convention and to disseminate information on the rights of the child to children and adults alike, as well as the lack of training activities for professional groups working with and for children, including teachers, social workers, health personnel, judges and law enforcement officials.

12. The lack of a comprehensive policy on children and of a systematic and carefully planned coordination of mechanisms and programmes to monitor the situation of children is a matter of concern. The Committee also notes the

insufficient measures taken to gather reliable quantitative and qualitative data, to evaluate the progress achieved and to assess the impact of policies adopted concerning children.

13. As regards the implementation of article 4, the Committee is concerned about the insufficient measures taken to ensure the implementation of economic, social and cultural rights to the maximum extent of available resources, in particular in relation to the most vulnerable groups.

E. Suggestions and recommendations

14. The Committee recommends that the State party pursue its efforts with a view to ensuring full compatibility of its national law with the Convention on the Rights of the Child, taking due regard of the general principles of the Convention, including those relating to the prohibition of discrimination, the best interests of the child and respect for the views of the child. In this regard, special measures should be taken to raise the minimum age for marriage while ensuring that the age is the same for boys and girls. Similarly, the age of criminal responsibility should not be set at too low an age and it should be ensured that below such an age, children are presumed not to have the capacity to infringe the penal law, in the light of article 40, paragraph 3 (a), of the Convention.

15. The Committee encourages the Government of Yemen to pursue its efforts to promote advocacy and create a wider awareness and understanding of the principles and provisions of the Convention, in the light of article 42 of the Convention. The Government should pursue such efforts in close cooperation with community and religious leaders as well as with non-governmental organizations, with a view to promoting change in persisting negative attitudes towards children, particularly those belonging to the most vulnerable groups.

16. The Committee encourages the State party to pay special attention to enhancing the role of the family in the promotion of children's rights, and in this regard stresses the importance of the status of women in family and social life. In this regard, the Committee recognizes the importance of developing family counselling services, both in urban and rural areas.

17. The Committee recommends that the State party ensure specific training activities on the Convention to professional groups working with and for children, including teachers, social workers, health personnel, judges and law enforcement officials. Attention should be given to incorporating the Convention in school curricula as recommended by the General Assembly in proclaiming the United Nations Decade for Human Rights Education and by the World Conference on Human Rights.

18. The Committee also recommends that the State party establish a permanent and multidisciplinary mechanism for the coordination and monitoring of the implementation of the Convention on the rights of the child, both at the national and local levels, in urban as well as rural areas, and to allow for the definition of a comprehensive policy on children. Closer cooperation with non-governmental organizations should also be promoted.

19. The Committee encourages the Government to improve the system of collecting statistical and other data in all areas covered by the Convention, with a view to evaluating progress in the realization of children's rights. Appropriate disaggregated indicators should be identified in order to pay particular attention to all groups of children, including the most vulnerable ones such as girls, children living in rural areas, children victims of abuse, children affected by armed conflicts, disabled children, "akhdam" children and children who are forced to live and/or work in the streets. Research activities should also be undertaken in these areas in cooperation with academic institutions and non-governmental organizations.

20. The Committee recommends that the State party, in the light of article 4 of the Convention and of the principles of non-discrimination and the best interests of the child, undertake all appropriate measures, to the maximum extent of the available resources, to ensure that budgetary allocation is provided to services for children, particularly in the areas of education and health, and that priority attention is paid to the protection of the rights of children belonging to the most disadvantaged groups, including girls, children living in rural areas, children affected by armed conflicts, disabled children, "akhdam" children and children who are forced to live and/or work in the streets.

21. The Committee recommends that special protection measures be adopted and implemented in relation to refugee children, children involved with the juvenile justice system, particularly when deprived of their liberty, children involved in child labour and children forced to live and/or work in the streets, including child beggars. In this regard, the Committee encourages the State party to take into consideration the recommendations it has formulated at its thematic discussions, including on the economic exploitation of the child and the administration of juvenile justice.

22. The Committee recommends that a progress report be prepared in accordance with the Committee's guidelines for initial reports and taking into account the concerns expressed during the dialogue held with the Government, and submitted to the Committee by January 1997.

23. The Committee recommends that in the light of article 44, paragraph 6, of the Convention, the report submitted by the Government, the relevant summary records of the debate with the Committee and its concluding observations be made widely available to the public.